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Attorneys for Defendants Certain Underwriters at Lloyd's,
London Subscribing to Policy No. B0595XN5229017
(erroneously sued as Certain Underwriters at Lloyd's
London subscribing to Besso policy number
B0595XN5229017, Apollo Liability Consortium Number
9984, including Apollo Syndicate Management Limited)

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

FREYSSINET, INC., a Virginia corporation,

Plaintiff,

vs.

BESSO INSURANCE GROUP LTD., et al.,

Defendants.

Case No. 2:21-CV-00418-APG-BNW

**STIPULATION AND PROPOSED
ORDER TO CONTINUE DEADLINE TO
DISMISS ACTION TO DECEMBER 31,
2021**

This Stipulation is entered into by and between plaintiff Freyssinet, Inc. and defendants Certain Underwriters at Lloyd's, London subscribing to policy no. B0595XN5229017 ("Underwriters") (erroneously sued as Certain Underwriters at Lloyd's London subscribing to Besso policy number B0595XN5229017, Apollo Liability Consortium Number 9984, including Apollo Syndicate Management Limited) by and through their undersigned counsel, with reference to the following:

WHEREAS, Freyssinet filed a complaint initiating the instant action on March 12, 2021, captioned *Freyssinet, Inc. v. Besso Insurance Group Ltd.*, Case No. 2:21-CV-00418-APG-BNW (D. Nev.) (the "Coverage Action").

WHEREAS, on April 12, 2021, Underwriters filed an answer in the Coverage Action. (ECF No. 13.)

WHEREAS, pursuant to stipulation, the Court dismissed the following parties from the Coverage Action without prejudice: Apollo Liability Consortium Number 9984 (ECF No. 44); Apollo Syndicate Management Limited (ECF No. 44); and Besso Insurance Group Ltd. (ECF No. 46).

WHEREAS, Freyssinet and Underwriters are the only parties remaining in the Coverage Action (the "Parties").

WHEREAS, the Court approved a stipulated stay of the Coverage Action on June 8, 2021, to allow the Parties to prepare for and participate in a mediation that could entirely resolve the matters in dispute in the Coverage Action. (ECF No. 49.)

WHEREAS, the Court approved a stipulated continued stay of the Coverage Action on August 13, 2021, to allow the Parties to evaluate a mediator's proposal that would resolve the Coverage Action in its entirety. (ECF No. 51.)

WHEREAS, on September 7, 2021, the Parties advised the Court that they reached a settlement in principle, and that they are in the process of negotiating a written agreement. (ECF No. 53.)

WHEREAS, the Court vacated pending dates, and ordered Freyssinet to dismiss the Coverage Action with prejudice on or before November 30, 2021, or for the Parties otherwise to advise the Court of the status of settlement. (ECF No. 54.)

WHEREAS, the Parties have negotiated and executed a settlement agreement that completely resolves the matters at issue in the Coverage Action.

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1 WHEREAS, the Parties anticipate that the settlement agreement will be performed in relevant
2 part on or before December 31, 2021.

3 WHEREAS, given resolution of this matter in principle, and the Parties' expectation that the
4 settlement agreement will be performed in relevant part on or before December 31, 2021, the Parties
5 request an extension of time to December 31, 2021 for Freyssinet to dismiss the Coverage Action with
6 prejudice.

7 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED:

8 On or before December 31, 2021, Freyssinet will dismiss the Coverage Action with prejudice,
9 or the Parties will otherwise advise the Court of the status of settlement.

10
11 DATED this 1st day of December, 2021.

12 BAILEY ♦ KENNEDY

13
14 By: /s/ Sarah E. Harmon

15 SARAH E. HARMON

16 - AND -

17 JAMES P. KOELZER

18 ELIZABETH L. MUSSER

JENNIFER MCKEE

CLYDE & CO US LLP

19 *Attorneys for Defendants*

20 Certain Underwriters at Lloyd's, London Subscribing to
21 Policy No. B0595XN5229017 (erroneously sued as
22 Certain Underwriters at Lloyd's London subscribing to
23 Besso policy number B0595XN5229017, Apollo
24 Liability Consortium Number 9984, including Apollo
25 Syndicate Management Limited)

26 **Order**

27 **IT IS SO ORDERED**

28 **DATED:** 10:33 am, December 02, 2021



BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE

SNELL & WILMER LLP

By: /s/ Kelly Dove

KELLY DOVE
GIL KAHN

- AND -

DAVID E. SUCHAR
JOHN R. DARDA
BRYAN R. FREEMAN
JEVON C. BINDMAN
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Freyssinet, Inc.